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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,484	01/29/2001	Daniel Pelletier	US010008	1681

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

AGGARWAL, YOGESH K

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/772,484

Applicant(s)

PELLETIER, DANIEL

Examiner

Yogesh K Aggarwal

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.7.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

***Claim Objections***

1. Claims 6 and 9 are objected to because of the following informalities:

In Claim 6 “.... Wherein the determining step includes the step of measuring the length of time....” Should read as “.... Wherein the determining step includes the step of measuring a length of time....”.

In Claim 9 “The method according to claim 1....” Should read as “ The method according to claim 6....”

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US Patent # 5,831,670).

[Claim1]

Suzuki teaches a method of operating a camera system (figure 1) comprising the steps of providing a camera system (figure 1) comprising a camera and a central processing unit (figure 1: 1), capturing a view of a subject with the camera (col. 4 lines 24-28), determining the cinematographic parameters of the view (figure 20: 3-7), comparing the determined cinematographic parameters to reference cinematographic parameters (figure 22: stepS11, step S22 and step S23), formulating recommended camera operation based on the comparison of the

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determined cinematographic parameters to the reference cinematographic parameters (figure 22: steps S31 and S32) and indicating the recommended camera operation to the user (figure 21).

[Claim 2]

Suzuki further teaches the step of effecting camera operation in accordance with the recommended camera action (figure 22: step S33).

[Claim 3]

Suzuki teaches wherein the providing step further comprises the step of inputting data defining the reference cinematographic parameters into the central processor (col. 8 lines 33-41)[The dispersion number 'E' is calculated and inputted as a reference parameter. Col. 8 lines 10-12 teaches that the composition estimation processing is performed by the CPU 1 based upon the inputted reference parameters like dispersion number 'E'].

[Claim 4]

Suzuki further teaches wherein the capturing step comprises the step of generating video data defining the view (col. 3 lines 37-43).

[Claim 5]

Suzuki teaches the capturing step further comprising the step of analyzing the video data and comparing it to the reference cinematographic parameters (figure 22: stepS11, step S22 and step S23).

[Claim 6]

Suzuki further teaches wherein the determining step includes the step of measuring the length of time during which the view remains the same (col. 5 lines 55-57, figure 5: step S103).

[Claim 7]

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Suzuki further teaches wherein the comparing step comprises the step of determining the level of quality of the view based on the comparison between the determined cinematographic parameters and the reference cinematographic parameters (col. 1 lines 49-58)

[Claim 8]

Suzuki teaches the step of formulating recommended camera operation that effects capture of a new view if it is determined that the quality of the captured view is below a predetermined level of quality (col. 1 lines 49-58)[After the warning means issues a warning, the user can effect a new view based upon the new quality parameters as shown in figures 20-26]

[Claim 9]

Suzuki further teaches the step of comparing the determined length of time to a predetermined length of time (col. 6 lines 1-3, figure 5: step S107)

[Claim 10]

Suzuki further teaches the step of formulating recommended camera operation so as to capture a new view if the determined length of time exceeds the predetermined length of time (col. 6 lines 5-10. Figure 22 shows after the calculation of dispersion number E in step S22, a new view is taken as indicated in steps S31-S33).

[Claim 11]

Suzuki teaches wherein the captured view has an angle and the determined step comprises the step of determining the angle of the view (col. 21 lines 57-67, figure 26: step S321)[The measurement of correction direction detection procedure for a horizontal edge can be read as capturing and determining an angle of view because based upon the deviation of the inclination

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of the horizontal edge being smaller or equal to the allowable value H0, the camera can be rotated clockwise or anticlockwise changing the angle of view].

[Claim 12]

Suzuki teaches wherein the comparing step comprises comparing the determined angle of the captured view to a reference angle defined by the reference cinematographic parameters (col. 22 lines 1-9, figure 26: steps S322, S323).

[Claim 13]

Suzuki further teaches wherein the formulating step comprises the step of formulating recommended camera operation that effects variation of the angle of the captured view (col. 22 lines 9-20, figure 26: steps S324-S326).

[Claims 14, 15]

Claims 14-15 are apparatus claims corresponding to method claims 1-2 respectively. Therefore they have been analyzed and rejected based upon claims 1-2.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US Patent # 5,831,670).

[Claim 16]

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Claim 16 is similar to claim 1 except a computer processor for storing and reading the code for the method implemented in claim 1. It would have been obvious to one skilled in the art to have a computer processor for storing and reading the code in order to transfer the code to any other image input apparatus so as to implement it on other devices.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i. Kaneda (US Patent # 6,424,372).
- ii. Kim (US Patent # 6,480,225).
- iii. Mahler et al. (US PG-PUB # 2001/0015409).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary examiner, Ngoc Yen Vu can be reached on (703) 305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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YKA

May 20, 2004



NGOC-YEN VU  
PRIMARY EXAMINER